

Workman Nydegger

1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Phone: (801) 533-9800
Fax: (801) 328-1707

RECEIVED
CENTRAL FAX CENTER

MAY 11 2006

FAX TRANSMISSION COVER SHEET

Date: May 11, 2006
To: United States Patent and Trademark Office
Fax: 571-273-8300
Phone: 571-272-1000
Re: U.S. Patent Application Serial No: 10/693,795
Our Docket No.: 15436.247.1.1
Sender: Tobi A. Terry, Paralegal to Eric L. Maschoff

YOU SHOULD RECEIVE 29 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL 801-533-9800

Please see attached documents

PRIVILEGED AND CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL. INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/693,795	01/24/2003	Robert Shib	15436.247.1.1

022913

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY)
 60 EAST SOUTH TEMPLE
 1000 EAGLE GATE TOWER
 SALT LAKE CITY, UT 84111

CONFIRMATION NO. 9310

FORMALITIES LETTER



OC000000012875339

Date Mailed: 06/04/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.


SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED
CENTRAL FAX CENTER

MAY 11 2006

FILED VIA FACSIMILE

PATENT APPLICATION
Docket No. 15436.247.1.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Robert Shih et al.)
) Art Unit
Serial No.	10/693,795) 2877
)
Filed:	October 24, 2003)
)
Confirmation No.:	9310)
)
For:	PHOTONIC DEVICE PACKAGE WITH)
	ALIGNED LENS CAP)
)
Customer No:	022913)

STATEMENT REGARDING SECOND NOTICE TO FILE MISSING PARTS

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-referenced application was filed with Missing Parts on October 24, 2003. On June 4, 2004, the USPTO mailed a Notice of File Missing Parts to this office, a copy of which is attached as Exhibit A.

On June 17, 2004 this office responded to the Notice to File Missing Parts via Express Mail Label No: EV 381918187 US, a copy of which is attached as Exhibit B.

On April 13, 2006, the USPTO mailed out a second Notice to File Missing Parts. However, as stated above, the Declaration and \$130.00 surcharge had already been submitted, and therefore, no further items are required.

In response to the second Notice to File Missing Parts, this office respectfully submits this statement and the accompanying exhibits.

Dated this 11th day of May, 2006.

Respectfully submitted,



Eric L. Maschoff
Registration No. 36,596
Attorneys for Applicant
Customer No. 022913

ELM/tat
TAT0000002119V001

MAY 11 2006

WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER
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TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
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JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEYERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STEALING A. BRENNAN
R. BURNS ISRAELSEN
DAVID R. TODD
DAVID B. DELLENBACH
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED

FILED VIA FACSIMILE

PATENT APPLICATION

Docket No. 15436.247.1.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Robert Shih et al.

Serial No.

10/693,795

Filed:

October 24, 2003

Confirmation No.:

9310

For:

PHOTONIC DEVICE PACKAGE WITH
ALIGNED LENS CAP

Customer No:

022913

TRANSMITTAL

Mail Stop MISSING PARTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to the second Notice to File Missing Parts for entry in the above-identified application.

- X Statement Regarding Second Notice to File Missing Parts;
- X Copy of the First Notice to File Missing Parts dated June 4, 2004 attached as Exhibit A;
- X Copy of the Response to the First Notice to File Missing Parts dated June 17, 2004 attached as Exhibit B;
- X Copy of the Second Notice to File Missing Parts dated April 13, 2006;
- X No additional fee is required.

R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
WILLIAM R. RICHTER
ROBERT E. AYCOCK
JENS C. JENKINS
MICHAEL B. DODD
BRETT A. HANSEN
BRETT I. JOHNSON
KEVIN W. STINGER
RYAN D. BENSON
SARA D. JONES
TYGE KELLER
JANNA L. JENSEN
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J. LAVAR OLDHAM
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RYAN N. FARR
JAMES B. BELSHE
KIRK R. HARRIS
MICHAEL M. BALLARD
DAVID A. JONES
SHANE K. JENSEN
JONATHAN M. BENNIS, PH.D.
SCOTT A. WOODBURY
JOHN T. GADD
MARK W. FORD
AARON M. SMITHVERNON R. RICE §
OF COUNSEL* Admitted only in California
§ Admitted only in Virginia

FILED VIA FACSIMILE

PATENT APPLICATION
Docket No. 15436.247.1.1

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178. Triplicate copies of this sheet are attached.

X Any additional fees that are required, or credit any overpayment.

Dated this 11th day of May, 2006.

Respectfully submitted,



Eric L. Maschoff
Registration No. 36,596
Attorneys for Applicant
Customer No. 022913

ELM/tat
TAT0000002118V001

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/693,795	01/24/2003	Robert Shih	15436.247.1.1

CONFIRMATION NO. 9310

022913

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY)
 60 EAST SOUTH TEMPLE
 1000 EAGLE GATE TOWER
 SALT LAKE CITY, UT 84111

FORMALITIES LETTER



OC000000012875339

Date Mailed: 06/04/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

has
 6-8-04
 miss. part #

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.


SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

EXHIBIT B



EV 381918187 US



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

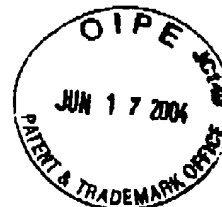
Customer Copy
Label 11-F June 2002

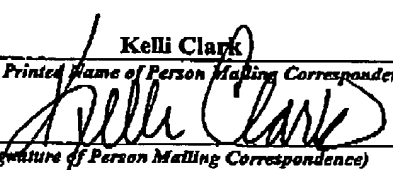
ORIGIN (POSTAL USE ONLY)			DELIVERY (POSTAL USE ONLY)		
PO ZIP Code 84147	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	First Rate Envelope <input checked="" type="checkbox"/>	Delivery Attempt	Employee Signature	
Date in Mo. Day Year 06 17 04	Time in Mo. Day Year 12 00 04	Postage \$ 13.65	Delivery Attempt	Employee Signature	
Time in Mo. Day Year 16 47 04	Military <input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day	Return Receipt Fee	Delivery Date	Employee Signature	
Weight 6.2	Int'l Alpha Country Code	COD Fee Insurance Fee	<input type="checkbox"/> WARNING OF BOMBING (SEE INSTRUCTIONS) If you are mailing a package in which you suspect or are advised to suspect a bomb, you must use a special mailing procedure. See the instructions on the back of this label.		
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Accountant's Mark Initials	Total Postage & Fees \$ 13.65	<input type="checkbox"/> WARNING OF BOMBING (SEE INSTRUCTIONS) If you are mailing a package in which you suspect or are advised to suspect a bomb, you must use a special mailing procedure. See the instructions on the back of this label.		
METHOD OF PAYMENT Express Mail Corporate Account			Facsimile Agency Acct. No. or Postal Service Acct. No.		
FROM: (PLEASE PRINT) WORKMAN NYDEGGER 501 SOUTH TEMPLE ST. 1000 SALT LAKE CITY UT 84111-1011 USA PHONE () - - - - -			TO: (PLEASE PRINT) FILE STOP MISSING PARTS COMMISSIONER OF PATENTS P.O. BOX 1450 ALEXANDRIA VA 22311-1450 PHONE () - - - - -		
PHILPS HAND For more information call 1-800-222-1811			FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com		

TO THE UNITED STATES PATENT AND TRADEMARK OFFICE:
PLEASE STAMP AND RETURN. THANK YOU.

SUBMITTED: Response to Notice to File Missing Parts of Application (3 pgs, in triplicate); Declaration, Power of Attorney and Petition (5 pgs); PTO-1595 Recordation Cover Sheet and Assignment (6 pgs); Copy of Notice to File Missing Parts Filing Date Granted (2 pgs); PTO-2038 Credit Card Payment Form in the amount of \$170.00; postcard; and Certificate of Express Mailing Label No. EV 381 918 187 US

Applicant(s): Robert Shih et al.
For: PHOTONIC DEVICE PACKAGE WITH ALIGNED LENS CAP
Serial No.: 10/693,795
Filed: 10/24/2003
Confirmation No.: 9310
Date of Mailing: June 17, 2004
Docket: 15436.247.1.1
Contact: ERIC L. MASCHOFF
(801) 533-9800



CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)			Docket No. 15436.247.1.1	
Applicant(s): Robert Shih, et al.				
Application No. 10/693,795	Filing Date 10/24/2003	Examiner Unassigned	Customer No. 022913	Group Art Unit 2877
Invention: PHOTONIC DEVICE PACKAGE WITH ALIGNED LENS CAP				
<p>I hereby certify that the following correspondence:</p> <p>Response to Notice to File Missing Parts of Application (3 pgs, in triplicate); Declaration, Power of Attorney and Petition (5 pgs); PTO-1595 Recordation Cover Sheet and Assignment (6 pgs); Copy of Notice to File Missing Parts Filing Date Granted (2 pgs); PTO-2038 Credit Card Payment Form in the amount of \$170.00; postcard; and Certificate of Express Mailing Label No. EV 381 918 187 US</p> <p><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p><u>June 17, 2004</u></p> <p><i>(Date)</i></p> <p><u>Kelli Clark</u></p> <p><i>(Typed or Printed Name of Person Mailing Correspondence)</i></p> <p><u></u></p> <p><i>(Signature of Person Mailing Correspondence)</i></p> <p><u>EV 381 918 187 US</u></p> <p><i>("Express Mail" Mailing Label Number)</i></p> <p>EV381918187US</p> <p>Note: Each paper must have its own certificate of mailing.</p>				

P06A/REV03

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)****Docket No.
15436.247.1.1**In Re Application Of: **Robert Shih, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/693,795	10/27/2003	Unassigned	022913	2877	9310

Invention: **PHOTONIC DEVICE PACKAGE WITH ALIGNED LENS CAP****Mail Stop Missing Parts
COMMISSIONER FOR PATENTS:**

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
06/04/2004
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☐ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

**PTO-1595 Recordation Form Cover Sheet and Assignment conveying invention to Finisar Corporation; and
PTO-2038 Credit Card Payment Form in the amount of \$170.00.**

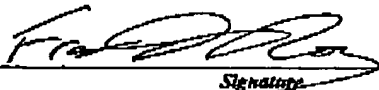
Response To Notice To File Missing Parts Of Application Filing Date Granted (PTO-1533)(Large Entity)				Docket No. 15436.247.1.1	
In Re Application Of: Robert Shih, et al.					
Application No. 10/693,795	Filing Date 10/27/2003	Examiner Unassigned	Customer No. 022913	Group Art Unit 2877	Confirmation No. 9310
Invention: PHOTONIC DEVICE PACKAGE WITH ALIGNED LENS CAP					
<u>TO THE COMMISSIONER FOR PATENTS:</u> <u>Mail Stop Missing Parts</u>					
<input checked="" type="checkbox"/> Completion of application fees as calculated below:					
<input type="checkbox"/> Utility application filing fee					
<input type="checkbox"/> Design application filing fee					
<input type="checkbox"/> Total number of independent claims = _____					
<input type="checkbox"/> Total number of claims = _____					
<input type="checkbox"/> Multiple dependent claims					
<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath					\$130.00
<input checked="" type="checkbox"/> Assignment Recordation Fee					\$40.00
<input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor					
<input type="checkbox"/> Fee for processing an application filed with a non-English language specification					
<input type="checkbox"/> Fee for processing and retention of application					
Total completion of application fees					\$170.00
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.					
<input type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months					
from: _____ until: _____					
<i>Date</i> <i>Date</i>					
Total time extension fees					
Total fees due					\$170.00

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)****Docket No.**
15436.247.1.1In Re Application Of: **Robert Shih, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/693,795	10/27/2003	Unassigned	022913	2877	9310

Invention: **PHOTONIC DEVICE PACKAGE WITH ALIGNED LENS CAP****TO THE COMMISSIONER FOR PATENTS:****Mail Stop Missing Parts**The fee of **\$170.00** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **23-3178**
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **23-3178**


*Signature***FRASER D. ROY**
Registration No. 45,666
Customer No. 022913

Dated: June 17, 2004

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Signature of Person Mailing Correspondence**Typed or Printed Name of Person Mailing Correspondence*

CC:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/693,795	10/24/2003	Robert Shih	15436.247.1.1

022913
WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

CONFIRMATION NO. 9310
FORMALITIES
LETTER

Date Mailed: 04/13/2006

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted


Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. *A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 2 - COPY TO BE RETURNED WITH RESPONSE

FILED VIA FACSIMILE

PATENT APPLICATION
Docket No. 15436.247.1.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
	Robert Shih et al.)
) Art Unit
Serial No.	10/693,795) 2877
)
Filed:	October 24, 2003)
)
Confirmation No.:	9310)
)
For:	PHOTONIC DEVICE PACKAGE WITH)
	ALIGNED LENS CAP)
)
Customer No:	022913)

CERTIFICATE OF FACSIMILE TRANSMISSION

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

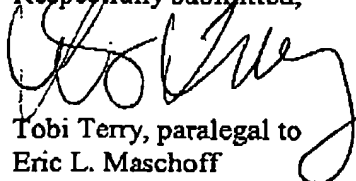
Sir:

I hereby certify that this paper is being transmitted via facsimile at facsimile number 801-328-1707 to the Patent and Trademark Office at facsimile number 571-273-8300 on the date shown below.

- Transmittal Letter (2 pages)
- Statement Regarding Second Notice to File Missing Parts with Exhibits A and B (24 pages)
- Copy of Second Notice to File Missing Parts (2 pages)

Dated this 11th of May, 2006.

Respectfully submitted,


Tobi Terry, paralegal to
Eric L. Maschoff

W:\15436\247.1.1\TAT0000002120V001.doc